



NEIL F. HARTIGAN  
ATTORNEY GENERAL  
STATE OF ILLINOIS  
SPRINGFIELD  
62706

September 20, 1983

Mr. Keith Casteel  
Nicholas J. Neiers  
Samuels, Miller, Schroeder,  
Jackson & Sly  
406 Citizens Building  
P.O. Box 1359  
Decatur, Illinois 62525

Re: Illinois Environmental Protection Agency

-VS-

Cabot Corporation  
PCB 81-27

Dear Mr. Casteel:

Enclosed you will find a number of pleadings in the above-entitled matter. Please note in particular the Motion for Protective Order and Motion for Continuance. I had not received from you any suggested language for the Protective Order; therefore, I took it upon myself to draft one. I am perfectly willing to entertain alternative drafts.

You will also note I suggest in the Motion for Continuance a hearing date of February 1, 1984. Assuming that we both conclude discovery expeditiously, I think this date should be satisfactory. However, any suggestions you may have in this regard will be appreciated.

Assuming the Hearing Officer grants the Motion for Protective Order, we will need to arrange to visit your firm to go over the documents available. You will note in a number of places in our discovery response that we offer to you the opportunity to inspect IEPA files. Bobella Glatz, the IEPA staff counsel now assigned to this matter, advises me that a weeks notice at least would be helpful prior to such visit. She thinks we have provided you with about everything that is relevant in the case, but you are of course welcome to inspect the files, should you desire.



Mr. Casteel

-2-

September 20, 1983

If you have any questions about these items or any other matters concerning the Cabot Corporation case, please do not hesitate to call. Thank you.

Sincerely,

*Greig R. Siedor*

Greig R. Siedor  
Assistant Attorney General  
Environmental Control Division  
Southern Region

GRS:ds

Enclosure

cc: Bobella Glatz  
Bruce Carlson

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF DOUGLAS )

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
-vs- ) PCB 81-27  
 )  
CABOT CORPORATION, a Delaware corporation, )  
 )  
Respondent. )

NOTICE OF FILING


TO: Keith Casteel  
Nicholas J. Neiers  
Samuels, Miller, Schroeder,  
Jackson & Sly  
406 Citizens Building  
P.O. Box 1359  
Decatur, IL 62525

Stephen Davis  
Hearing Officer  
406 Jackson St.  
Charleston, IL 61920

PLEASE TAKE NOTICE that I have today mailed for filing the attached COMPLAINANT'S RESPONSE TO RESPONDENT'S INTERROGATORIES AND DOCUMENT REQUEST, MOTION FOR PROTECTIVE ORDER, PROTECTIVE ORDER, MOTION FOR CONTINUANCE, and AFFIDAVIT with the Clerk of the Illinois Pollution Control Board, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION  
AGENCY

BY: NEIL F. HARTIGAN  
ATTORNEY GENERAL

BY:   
Greig R. Siedor  
Assistant Attorney General  
Environmental Control Division  
Southern Region

500 South Second St.  
Springfield, IL 62706  
(217) 782-9031

DATED: September 20, 1983

STATE OF ILLINOIS    )  
                          )  
COUNTY OF DOUGLAS    )

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,    )  
  )  
  Complainant,    )  
  )  
  -vs-                        )  
  )  
CABOT CORPORATION, a Delaware corporation,    )  
  )  
  Respondent.        )

PCB 81-27

COMPLAINANT'S RESPONSE  
TO RESPONDENT'S INTERROGATORIES  
AND DOCUMENT REQUEST

Comes now the Complainant, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, and responds as follows to each of Respondent's Interrogatories and Document Request as follows:

A. INTERROGATORIES

1. As to each date listed in Paragraph 19 of Count I of the Complaint and for each of the following categories, identify each person who:

- (a) Observed, or conducted tests or sampling concerning the alleged air pollution or its effects;
- (b) Who were allegedly affected by the air pollution and state in what manner such person was affected;
- (c) Who made complaints to the EPA or others concerning such air pollution; or

(d) Who have knowledge of the alleged air pollution incidents.

ANSWER:

December 11, 1970:

(a)-(d): Jan Jamieson  
Tuscola, Illinois 61953  
Mr. Jamieson reported he gagged from the air pollution and that damage had occurred to his property from the air pollution.

(a),(d): R.L. Henricks  
Environmental Control Engineer,  
Region IV  
Illinois Environmental  
Protection Agency  
(no longer employed by IEPA;  
present address unknown.)

October 6-7, 1975:

(a)-(d): Alan Wesch  
Tuscola, Illinois 61953  
Mr. Wesch reported the air pollution affected his voice so that he could hardly speak.

May 8, 1976:

(a)-(d): Henry Rahn  
R.R. 3, Box 329  
Tuscola, Illinois 61953  
Mr. Rahn reported the air pollution required him to leave the fields and had damaged crops and farmland fertility.

June 21, 1978:

(a)-(d): Bill Brown  
Farm Supervisor  
Citizens National Bank of  
Decatur  
Decatur, Illinois  
Mr. Brown reported damage to crops from the air pollution.

July 6, 1978:

(a)-(d): same as June 21, 1978.

June 20, 1979:

(a)-(d): Bill Brown  
Farm Supervisor  
Citizens National Bank of  
Decatur  
Decatur, Illinois

Mr. Brown reported damage to corn and  
soybean crops from the air pollution.

July 1, 1979:

(a)-(d): same as June 20, 1979

July 4, 1979:

(a)-(d): Elrah Eastin  
R.R. 3  
Tuscola, Illinois 61953

W.J. Buck  
307 So. Niles Ave.  
Tuscola, Illinois 61953

Henry Rahn  
R.R. 3, Box 329  
Tuscola, Illinois 61953

All three reported crop damage and  
property damage.

July 12, 1979:

(a)-(d): same as June 20, 1979.

January 24, 1980:

(a),(c),(d): Jim Buck, Jr.  
R.R.  
Tuscola, Illinois 61953

2. As to each date listed in Paragraph 19 of Count I  
of the Complaint, did the EPA receive written or oral  
complaints concerning alleged air pollution in the "Tuscola  
Area?"

If the answer is "yes," for any date then answer the following:

As to each date:

- (a) Identify the person making each complaint, state whether the complaint was written or oral and to whom the complaint was made or given and on what date.
- (b) What action, if any, did the EPA take concerning each complaint?
- (c) Identify all documents concerning such complaints including, but not limited to, follow-up investigations.
- (d) Did the EPA notify Cabot Corporation of the complaints and, if so, on what date and in what form? If notification was by document, please identify all such documents.

ANSWER:

- (a) December 11, 1970: (see identified documents).
- (b) October 6-7, 1975: (see identified documents).
- (c) May 8, 1976: (see identified documents).
- (d) June 21, 1978: (see identified documents).
- (e) July 6, 1978: (see identified documents).
- (f) June 20, 1979: (see identified documents).
- (g) July 1, 1979: (see identified documents).
- (h) July 4, 1979: (see identified documents).

- (i) July 12, 1979: (see identified documents).
- (j) January 24, 1980: (see identified documents).

3. Concerning the allegations of Count I of the Complaint, at what times and at what locations were alleged air pollution problems observed and what were the nature of those problems? Identify each person making such observations.

ANSWER:

In addition to the information provided and documents identified in Answers to Interrogatories 1 and 2, the following information is provided:

(a) January 18, 1974:

Mark Wesch  
R.R. 3  
Tuscola, IL 61753

Mr. Wesch complained of odorous fumes, crop damage and harm to his health.

(b) February 8, 1974:

Harriet Ann Joseph  
821 Victoria Avenue  
Corona, California 91720

Ms. Joseph complained of crop damage.

(c) June 20, 1977:

Richard E. Armstrong  
1316 S. Lawn Drive  
Mattoon, IL 61938

Mr. Armstrong complained of damage to his auto.



(d) April 10, 1979:

Dale Bateman  
Senior Ag. Extension Advisor  
Douglas County Extension Education  
Center  
600 South Washington  
Tuscola, IL 61953

Mr. Bateman complained of crop damage.

(e) December 19, 1979:

Richard Bickel  
E.S.D.A.  
Tuscola, IL 61953

Mr. Bickel complained of release of toxic vapor.

(f) December 27, 1979:

James C. Buck  
R.R. 3, Box 219  
Tuscola, IL 61953

Mr. Buck complained of damage to crops and property.

(g) January 9, 1980:

Joe H. Harris  
President, Local #515  
International Union of Operating  
Engineers  
210 East Main Street  
Arcola, IL

Mr. Harris complained of health and safety problems.

(h) last week of June, 1981:

Elva Eastin  
R.R.  
Tuscola, IL 61953

Mr. Eastin complained of crop damage.

(i) last week of June, 1981:

Harold Pflum  
R.R. 3  
Tuscola, IL 61953

Mr. Pflum complained of crop damage.

4. Identify all documents concerning or relating to the air pollution alleged in Count I of the Complaint.

ANSWER:

Complainant objects to this Interrogatory as vague, oppressive and impossible to answer. However, without waiving this objection, in the interest of avoiding needless litigation and in the spirit of full disclosure, Complainant tenders all those documents marked in response to this Interrogatory 4 and invites Respondent to inspect Complainant's files for additional documents it deems relevant to Count I and wishes to copy, subject to scheduling and reasonable copying costs.

5. Since January 1, 1970, has the EPA made investigations or received complaints concerning alleged air pollution caused by the "Cabot Plant" on dates other than those listed in Paragraph 19 of Count I.

If the answer is "yes," for each date, supply the same information as requested in Interrogatories No. 1 and 2 above.

ANSWER:

Subsequent to the first complaint received by Complainant, an on-going investigation of air pollution problems at Respondent's Tuscola facility was initiated by Complainant. Since Complainant is unsure as to precisely what is meant by Respondent's use of the term "investigations" in this Interrogatory, Complainant has chosen to identify documents relating to this on-going matter and invites Respondent to inspect Complainant's files for additional documents it deems relevant

and wishes to copy, subject to scheduling and reasonable copying costs.

As to complaints, see the Answers to Interrogatories 1, 2 and 3 and documents identified in Answer to each. In addition, complaints were received by Complainant as follows:

- (a) June 21, 1977: Oral complaints made by local farmers arising from Cabot's emissions made to Mr. Paul Schmierbach and Mr. John Shum, Jr. of Complaint. Pertinent document attached and marked as Answer to question 5.
- (b) December 28, 1979: Mr. Mark Wesch, Mr. James Buck and Mr. Henry Rahn contacted Mr. R. L. Stortzum of Complainant regarding the incident of December 19, 1979 and expressed a desire to talk with a higher ranking IEPA official. Pertinent document is attached hereto and marked as Answer to question 5.
- (c) January 4, 1980: Mr. James Calvin Buck, Tuscola, Illinois, submitted an Agency complaint form on January 4, 1980. In his complaint, Mr. Buck expressed concern about not only the December 19, 1979 incident at Cabot, but frequent emissions from that facility occurring over the last four years. No direct follow-up was taken by Complaint. Pertinent documents are marked as Answer (f) to Interrogatory 3.

6. Does the EPA allege that Cabot Corporation caused air pollution on dates other than those listed in Paragraph 19 of Count I of the Complaint?

If the answer is "yes," please provide, as to each date, the information requested in Interrogatories No. 1 and 2 above.

ANSWER:

Yes.

Complainant alleges violations as set forth in Paragraph 19 of Count I of the Complaint as well as the December 19, 1979 incident alleged in Count I of the Complaint. Also, Complainant alleges the violations set forth in Interrogatories 3 and 5 above. Additionally, Complainant alleges violations for the entire period from the initial to the final date. While the Agency has specific data for those dates when an inspection was made or a complaint was received, the nature of the allegations supports the conclusion that a continuous violation occurred throughout the period.

7. Since January 1, 1970, has the EPA received complaints, made observations, conducted analysis or tests, or otherwise made investigations concerning incidents of alleged air pollution violations in the "Tuscola Area" allegedly caused in whole or in part by sources other than Cabot Corporation?

If the answer is "yes," for each incident state:

- (a) The nature of the complaint or investigation.
- (b) The date or dates of the complaint or investigation.
- (c) Identify each person making the complaint or conducting or taking part in the investigation.
- (d) Identify all documents concerning the complaint or investigation, and identify the alleged source of the pollution.

ANSWER:

Complainant objects to this Interrogatory as vague, overbroad and unnecessarily burdensome. However, without waiving this objection, in the interest of avoiding needless litigation, and in the spirit of full disclosure, Complainant invites Respondent to inspect relevant files for documents it deems relevant to this Interrogatory and wishes to copy, subject to scheduling and reasonable copying costs.

8. On or about the dates contained in Paragraph 19 of Count I:

- (a) Were air samples in the "Tuscola Area" taken and tested for chlorine, hydrogen chloride, or other air contaminants?
- (b) Was wind speed and direction measured in the "Tuscola Area."

If the Answer to either Subparagraph (a) or (b) is "yes," list the dates, location, and nature of each sampling or measurement and identify all persons taking or documents relating to such sampling or measurement.

ANSWER:

No.

9. Were air samples or measurements of air in the "Tuscola Area" taken or obtained by the EPA since January 1, 1970, for dates other than those listed in Count I of the Complaint? If the answer is "yes," for each such sampling or measurement, supply the information requested in Interrogatory No. 8 above.

ANSWER:

Yes.

Air samples were taken on December 19, 1979. The air sample tests are attached hereto and are marked as Answers to Interrogatory 9. Wind speed and direction were not measured by Complainant on that date.

10. Identify all documents obtained or made by the EPA concerning alleged air pollution problems or investigation of air quality of air in the "Tuscola Area" since January 1, 1970.

ANSWER:

Complainant objects to this Interrogatory as vague, overbroad and unnecessarily burdensome. However, without waiving this objection, in the interest of avoiding needless litigation, and in the spirit of full disclosure, Complainant invites Respondent to inspect Complainant's files for documents (beyond those provided already) it deems relevant and wishes to copy, subject to scheduling and reasonable copying costs.

11. Identify all air tests, building tests, corrosion tests, health tests, pictures taken, crop reports, or soil pH test concerning the allegations contained in Count I obtained or made by the EPA or of which the EPA has knowledge.

ANSWER:

All air tests taken by the EPA have been previously identified in interrogatories above. No building tests, corrosion tests, or health tests have been taken. Complainant has not taken pictures of any

of the operations at Respondent at this time. Complainant has conducted soil pH tests concerning the allegations contained in Count I; these are marked as Answer (d) to Interrogatory 3 and as Answer to Interrogatory 11.

12. Identify all EPA personnel or contractors of the EPA who had knowledge of or investigated air pollution complaints or air quality in the "Tuscola Area" since January 1, 1970, including, but not limited to, all EPA personnel who inspected or examined the Cabot plant during said time.

ANSWER:

1. Mr. Robert Stortzum -- Illinois  
Environmental Protection Agency,  
Division of Air Pollution, Field  
Operations Section; 2125 South 1st  
Street, Champaign, Illinois 61820.
2. Mr. John Renkes -- Illinois  
Environmental Protection Agency,  
Emergency Action Unit; 2200 Churchill  
Road, Springfield, Illinois 62706.
3. Mr. James Kelty -- Illinois  
Environmental Protection Agency,  
Emergency Action Unit; 2200 Churchill  
Road, Springfield, Illinois 62706.
4. Mr. John Miles -- Illinois  
Environmental Protection Agency,  
Division of Air Pollution Control,  
Field Operations Section; 2125 South  
1st Street, Champaign, Illinois  
61820.
5. Mr. R. L. Henricks -- present address  
unknown (formerly employed by the  
Illinois Environmental Protection  
Agency).

6. Mr. E. A. Campbell -- E. A. Campbell  
and Associates, Inc., Post Office Box  
217, Pawnee, Illinois 62558  
(formerly employed by the Illinois  
Environmental Protection Agency).
7. Mr. Paul Schmierbach -- Tennessee  
Valley Authority, River Oaks  
Building, Muscle Shoals, Alabama  
35600 (formerly employed by the  
Illinois Environmental Protection  
Agency).
8. Mr. John Schaum, Jr. -- 640 Crea,  
Decatur, Illinois (formerly employed  
by the Illinois Environmental  
Protection Agency).

13. Has the EPA ever measured air emissions from the  
Cabot plant in excess of those allowed by Cabot's EPA air  
permits?

If the answer is "yes," for each such measurement  
state the date and nature of the measurement and identify all  
documents concerning the measurement.

Answer:

Yes.

See the Answers to Interrogatories 8, 9,  
10 and 11, as well as documents  
identified therein.

14. Identify each and every expert witness the EPA  
intends to have testify on its behalf at any hearing in this  
cause in connection with any or all of the allegations in Count  
I of the Complaint, and for each person so identified state in  
detail each and every opinion the expert will advance on behalf



of the EPA and state in detail all facts on which the opinion is based.

ANSWER:

Unknown at this time.

15. Identify all persons who furnished information used in answering Interrogatories 1 through 14.

ANSWER:

1. Mr. Steve Cherry -- (formerly employed by Illinois Environmental Protection Agency).
2. Mr. Francis Gehrt -- (formerly employed by Illinois Environmental Protection Agency).
3. Mr. Robert Sharpe, Technical Advisor, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706.
4. Ms. Bobella Glatz, Technical Advisor, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706.
5. Mr. Greig R. Siedor, Assistant Attorney General, Environmental Control Division, Southern Region, 500 South Second Street, Springfield, Illinois 62706.

16. As to each of Counts II through IX identify each person having knowledge of any fact which in whole or in part is the basis for any or all of the allegations made in such Count of the Complaint.

ANSWER:

Stephen E. Baldwin

912 Hillside Court  
Monticello, Illinois 61856

Environmental Protection Specialist  
Field Operations Section  
Division of Water Pollution Control  
Illinois Environmental Protection  
Agency  
2125 South First Street  
Champaign, Illinois 61820

Kenneth L. Baumann

802 Fairlawn  
Urbana, Illinois 61801

Regional Manager  
Field Operations Section  
Division of Water Pollution Control  
Illinois Environmental Protection  
Agency  
2125 South First Street  
Champaign, Illinois 61820

Leonard Bridges

3439 South Prairie  
Chicago, Illinois 60616

Environmental Protection Specialist  
Field Operations Section  
Division of Water Pollution Control  
Illinois Environmental Protection  
Agency  
1710 First Avenue  
Maywood, Illinois 60153

(Mr. Bridges was an Environmental  
Protection Specialist with the  
Agency's Champaign Regional Office of  
FOS/DWPC at the time of the alleged  
violations.)

James Kelty

404 West Monroe  
Springfield, Illinois 62704

Chemist  
Emergency Response Unit  
Illinois Environmental Protection  
Agency  
2200 Churchill Road  
Springfield, Illinois 62706

Joseph A. Koronkowski

821 Oakland  
Apt. No. 208  
Urbana, Illinois 61801

Environmental Protection Engineer  
Field Operations Section  
Division of Water Pollution Control  
Illinois Environmental Protection  
Agency  
2125 South First Street  
Champaign, Illinois 61820

Ernest Melkush

1504 West Edwards  
Springfield, Illinois 62704

Retired

(Mr. Melkush was Chief of Field  
Services for the Emergency Services  
Disaster Agency at the time of the  
alleged violations.)

John Renkes

2016 South Glenwood Avenue  
Springfield, Illinois 62704

Supervisor of Emergency Response Unit  
Illinois Environmental Protection  
Agency  
2200 Churchill Road  
Springfield, Illinois 62706

Robert Stortzum

910 South Mattis  
Champaign, Illinois 61820

Environmental Protection Engineer  
Field Operations Section  
Division of Air Pollution Control  
Illinois Environmental Protection  
Agency  
2125 South First Street  
Champaign, Illinois 61820

Daniel L. Williams

3429 South MacArthur Boulevard  
Springfield, Illinois 62704

Executive Director  
Illinois Atomic Energy Commission  
524 South Second Street  
Springfield, Illinois 62706

(Mr. Williams was with District 7 of  
the Emergency Services Disaster  
Agency at the time of the alleged  
violations.)

17. Identify each EPA or ESDA employee, consultant, or contractor who was either present at or conducted or analyzed tests or data concerning the accidental spill on December 19, 1979, and the following cleanup and analysis.

ANSWER:

Stephen E. Baldwin  
(See Answer to Interrogatory 16  
above.)

Leonard Bridges  
(See Answer to Interrogatory 16  
above.)

Joseph Koronkowski  
(See Answer to Interrogatory 16  
above.)

Ernest Melkush  
(See Answer to Interrogatory 16  
above.)

Robert Stortzum  
(See Answer to Interrogatory 16  
above.)

John Renkes  
(See Answer to Interrogatory 16  
above.)

Joyce Eisold

2510 Campbell Drive  
Champaign, Illinois 61820

Laboratory Technician  
Division of Laboratories  
Illinois Environmental Protection  
Agency  
Champaign, Illinois 61820

Roy Frazier

32 Ashley Lane  
Champaign, Illinois 61820

Champaign Laboratory Manager  
Division of Laboratories  
Illinois Environmental Protection  
Agency  
2125 South First Street  
Champaign, Illinois 61820

Ruth Nicols

1005 West California  
Urbana, Illinois 61801

Laboratory Technician  
Division of Laboratories  
Illinois Environmental Protection  
Agency  
2125 South First Street  
Champaign, Illinois 61820

John Nine

(Address not currently known.)

(Mr. Nine was a laboratory technician with the Division of Laboratories at the Agency's Champaign Regional Office at the time of the alleged violations.)

Stephen Poole

2206 South Vine  
Urbana, Illinois 61801

Chemist  
Division of Laboratories  
Illinois Environmental Protection  
Agency  
2125 South First Street  
Champaign, Illinois 61820

James Varner

108 Summit Street  
Gifford, Illinois 61847

Laboratory Technician  
Division of Laboratories  
Illinois Environmental Protection  
Agency  
2125 South First Street  
Champaign, Illinois 61820

Complainant is unable to identify ESDA employees and objects to this Interrogatory on the grounds such information is as available to Respondent as it is to Complainant.

18. Identify all air samples taken or analyzed by EPA or ESDA employees, consultants, or contractors concerning the accidental spill described in counts II through IX, and for each such sample state when, where and by whom it was taken, procedures and instruments used, results, air temperature, air

speed, air direction and humidity, and identify all documents concerning such samples.

Answer:

See documents identified in response to Interrogatory 9.

19. Identify all water samples taken or analyzed by EPA or ESDA employees, consultants, or contractors concerning the accidental spill described in Counts II through IX, and for each sample state when, where and by whom it was taken, procedures and instruments used, results, flow rate, current speed, and tests conducted.

ANSWER:

Information concerning water samples collected and analyzed is given on laboratory analysis sheets marked in Answer to Interrogatory 19. Also, field pH testing using an electronic pH probe was conducted on December 20, 1979 with the results discussed in the included memorandum of that date prepared by Joseph Koronkowski.

Additional requested information is given below:

| <u>Sample #</u> | <u>Date Collected</u> | <u>Collected by</u> |
|-----------------|-----------------------|---------------------|
| B27555          | 12/19/79              | Leonard Bridges     |
| B27556          | 12/19/79              | Leonard Bridges     |
| B27557          | 12/19/79              | Leonard Bridges     |
| B27558          | 12/19/79              | Leonard Bridges     |
| B27559          | 12/19/79              | Leonard Bridges     |
| B27906          | 12/21/79              | Stephen Baldwin     |
| B27907          | 12/21/79              | Stephen Baldwin     |
| B27908          | 12/21/79              | Stephen Baldwin     |

| <u>Parameter</u>   | <u>Method and Reference</u>  |
|--|--|
| pH   | Electrometric method described in <u>Standard Methods for the Examination of Water and Wastewater, 14th Edition, page 460.</u>                                 |
| Total Acidity  | Potentiometric titration to pH 8.3, boiled and oxidized, as described in the <u>Annual Book of ASTM standards, Part 31, Water, (1980), page 129, Method E.</u> |
| Conductivity   | Described in <u>Standard Methods for the Examination of Water and Wastewater, 14th Edition, page 71.</u>   |
| Ammonia  | Automated phenate method described in <u>Standard Methods for the Examination of Water and Wastewater, 14th Edition, page 616.</u>                             |
| Iron   | Atomic absorption method described in <u>Standard Methods for Examination of Water and Wastewater, 14th Edition, page 144.</u>                                 |
| Suspended Solids Gravimetric method described in (Nonfilterable Residue) | <u>Standard Methods for Examination of Water and Wastewater, 14th Edition, page 94.</u>  |

Complainant is unable to provide information on ESDA water sampling and objects to this Interrogatory on the grounds such information is as available to Respondent as it is to Complainant.

20. Identify all water samples or stream measurements of Scattering Fork in Douglas County or any stream or field tile tributary thereto taken or made by the EPA or in the possession of the EPA since January 1, 1977.

ANSWER:

Complainant objects to this Interrogatory on the grounds that said Interrogatory is vague and overbroad. However, without



waiving this objection, in the interest of avoiding needless litigation, and in the spirit of full disclosure, Complainant tenders the following:

Information concerning the requested water samples or stream measurements can be obtained from the Agency files listed below. Reasonable opportunity will be provided to Respondent for inspection and copying of said files.

1. Industrial File of the Division of Water Pollution Control on Cabot Corporation.
2. Division File of the Division of Water Pollution Control on Douglas County (General).
3. Division File of the Division of Water Pollution Control on Parkview Mobile Home Court (Tuscola, Douglas County).
4. Division File of the Division of Water Pollution Control on Village of Tolono Sewage Treatment Plant.
5. Division File of the Division of Water Pollution Control on City of Tuscola's North Sewage Treatment Plant.
6. Division File of the Division of Water Pollution Control on the City of Tuscola's South Sewage Treatment Plant.
7. Division File of the Division of Water Pollution Control on Tuscola, Illinois (General).
8. Facilities Planning Reports on the City of Tuscola, maintained by Grants Section of the Division of Water Pollution Control.
9. Discharge Monitoring Report File on the Village of Tolono Public Water Supply.
10. Discharge Monitoring Report File on the Village of Pesotum Public Water Supply.

21. Identify all documents concerning the construction and adequacy of dikes or storage tanks at the "Cabot Plant" made by or at the request of the EPA or in the possession of the EPA.

ANSWER:

Complainant objects to this Interrogatory on the grounds that said Interrogatory is vague and overbroad. However, without waiving this objection, in the interest of avoiding needless litigation, and in the spirit of full disclosure, Complainant tenders the following:

The requested information is contained in the files of the Agency's Division of Land Pollution Control pertaining to the permits listed below. Reasonable opportunity will be provided to Respondent for inspection and copying of said files.

| <u>Agency Permit No.</u> | <u>Date of Issuance</u> |
|--------------------------|-------------------------|
| 1973-EB-2190-OP          | 10/30/73                |
| 1974-EB-1644-OP          | 10/21/74                |
| 1974-EB-1644-OP-1        | 01/03/75                |
| 1975-EA-497              | 05/05/75                |
| 1975-EA-497-1            | 07/16/75                |
| 1975-EA-497-2            | 09/08/75                |
| 1975-EB-1316-OP          | 10/08/75                |
| 1975-EB-1316-OP-1        | 12/17/75                |
| 1975-EB-1316-OP-2        | 02/25/76                |
| 1975-EB-1316-OP-3        | 04/09/76                |

22. Does the EPA or ESDA have recommended procedures for cleaning up spills of silicon tetrachloride?

If the answer is "yes," identify all documents describing such procedures.

ANSWER:

Yes. The following documents are identified:

1. Illinois Legislative Investigating Committee. Chemical Leak at the Bulk Terminals Tank Farm, A Report to the Illinois General Assembly. State of Illinois, (June 1975).
2. Department of Transportation, United States Coast Guard. Chirs, Hazardous Chemical Data. (October 1978).
3. Sax, N. Irving. Dangerous Properties of Industrial Materials, 3rd Edition. Van Norstrand Reinhold Co., New York, New York (1968).
4. Illinois Environmental Protection Agency. Illinois EPA Environmental Emergency Contingency Plant. (Copy available for inspection at Complainant.)

23. Identify all persons making complaints or allegedly affected by the events described in Counts II through IX of the Complaint.

ANSWER:

See Answers to Interrogatories 3, 4, and 5 and documents marked thereto.

24. Identify all persons who allegedly observed milky discharges or other alleged stream contamination described in Counts II through IX of the Complaint.

ANSWER:

Stephen E. Baldwin  
(See Answer to Interrogatory 16 above.)

Leonard Bridges  
(See Answer to Interrogatory 16  
above.)

Joseph A. Koronkowski  
(See Answer to Interrogatory 16  
above.)

25. Were other tests conducted of liquids flowing through other branches of the field tiles leading to the headwall described in Counts II through IX of the Complaint in December 1979? Identify all documents concerning such tests.

ANSWER:

No.

26. Identify who made the decision to close Route 45 on December 19 or 20, 1979, as stated in the Complaint.

ANSWER:

According to records of Complainant's Emergency Response Unit, an Illinois State Police Captain named Cleveland made the decision to close Route 45. His district office is Pesotum, Illinois.

27. Has either Route 36 or Route 45 in the "Tuscola Area" ever been closed or traffic flow altered by air problems or lack of visibility due to vapor discharge since January 1, 1970?

If the answer is "yes," state the date and the reason for such closing or traffic flow alteration.

ANSWER:

In early September, 1983, Route 36 was closed to traffic because of a railroad car accident near Murdock, Illinois.

28. Identify each and every expert witness the EPA intends to have testify in its behalf at any hearing in this case in connection with any or all of the allegations in Count II through IX of the Complaint, and for each such expert witness, state in detail each and every opinion the expert will advance on behalf of the EPA, and state in detail all facts upon which the opinion is based.

ANSWER:

John Hurley

1117 Larmont Road  
Springfield, Illinois 62704

Springfield Organics Laboratory  
Manager  
Illinois Environmental  
Protection Agency  
2200 Churchill Road  
Springfield, Illinois 62706

David Schaeffer

1617 Walnut  
Chatham, Illinois 62629

Technical Standards Section  
Division of Water Pollution  
Control  
Illinois Environmental  
Protection Agency  
2200 Churchill Road  
Springfield, Illinois 62706

These experts will testify on the water pollution effects of  $\text{SiCl}_4$ .

29. Identify all "documents" concerning or relating to the allegations in Counts II through IX of the Complaint including, but not limited to, testing, investigation, interviews, and observations.

ANSWER:

Complainant objects to this Interrogatory on the grounds that said Interrogatory is vague and overbroad. However, without waiving this objection, in the interest of avoiding needless litigation, and in the spirit of full disclosure, Complainant tenders the following:

The requested information can be obtained from the Agency files listed below. Reasonable opportunity will be provided to Respondent for inspection and copying of said files.

1. Industrial File of the Division of Water Pollution Control on Cabot Corporation.
2. Emergency Response Unit File on Cabot Corporation.

30. Identify all documents concerning communications between the EPA and Cabot Corporation since January 1, 1970.

ANSWER:

Complainant objects to this Interrogatory on the grounds said Interrogatory is vague and overbroad. However, without waiving this objection, in the interest of avoiding needless litigation, and in the spirit of full disclosure, Complainant tenders the following:

The requested information can be obtained from the Agency files listed below.

Reasonable opportunity will be provided to Respondent for inspection and copying of said files.

1. Industrial File of the Division of Water Pollution Control on Cabot Corporation.
2. NPDES Files of the Division of Water Pollution Control on NPDES Permit No. IL0027529 issued to Cabot Corporation.
3. Permit Files of the Division of Land Pollution Control for permits identified in response to Interrogatory #21.

#### B. DOCUMENT REQUEST

1. Any and all documents identified in answer or response to any Interrogatory in the "Interrogatories to Complainant," specifying the Interrogatory or Interrogatories or subparts thereof to which each document pertains.

##### ANSWER:

See documents identified in Answer to Interrogatories.

2. Any and all documents concerning complaints received or investigations made by the EPA since January 1, 1970, concerning air pollution or air quality in the "Tuscola Area."

##### ANSWER:

Complainant objects to this Document Request as vague, overly broad and burdensome. However, without waiving this objection, in the interest of avoiding needless litigation, and in the spirit of full disclosure, Complainant

invites Respondent to inspect relevant files at Complainant for additional documents (apart from those identified and provided pursuant to Document Request 1) it deems relevant and wishes to copy, subject to scheduling and reasonable copying costs.

Complainant,

ILLINOIS ENVIRONMENTAL PROTECTION  
AGENCY

BY: Greig R. Siedor  
Greig R. Siedor  
Assistant Attorney General  
Environmental Control Division  
Southern Region

500 South Second St.  
Springfield, Illinois 62706  
(217) 782-9031

DATED: September 20, 1983



STATE OF ILLINOIS    )  
                              )  
COUNTY OF DOUGLAS    )

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

|  |   |           |
|--|---|-----------|
| ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,  | ) |           |
|  | ) |           |
| Complainant,                               | ) |           |
|  | ) |           |
| -vs-                                       | ) | PCB 81-27 |
|  | ) |           |
| CABOT CORPORATION, a Delaware corporation, | ) |           |
|  | ) |           |
| Respondent.                                | ) |           |

MOTION FOR PROTECTIVE ORDER

Comes now the Complainant in the above-entitled case and respectfully requests the Hearing Officer grant its Motion for Protective Order. In support thereof, Complainant states as follows:

1. In its reply to Complainant's Interrogatories, Respondent indicates its willingness to provide certain documents only if Complainant is ordered by the Hearing Officer to maintain their confidentiality and to prevent disclosure of them to any other persons outside Complainant's employees and to return them to Respondent at the conclusion of this matter.

2. Complainant is willing to agree to such request for confidential treatment of these documents, as specified in Respondent's answers to Complainant's Interrogatories.

WHEREFORE, Complainant respectfully requests the  
Hearing Officer to grant its Motion for Protective Order.

Complainant,

ILLINOIS ENVIRONMENTAL PROTECTION  
AGENCY

BY:



Greig R. Siedor  
Assistant Attorney General  
Environmental Control Division  
Southern Region

500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031

DATED: September 20, 1983

STATE OF ILLINOIS )  
 )  
COUNTY OF DOUGLAS )

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 -vs- ) PCB 81-27  
 )  
 CABOT CORPORATION, a Delaware corporation, )  
 )  
 Respondent. )

# PROTECTIVE ORDER

Complainant's Motion for Protective Order having come before me, is hereby granted. Pursuant to that Motion, Complainant is hereby directed to maintain the confidentiality of all those documents identified by Respondent in its "Answers to Complainant's First Set of Interrogatories". Such confidential treatment shall include limiting disclosure of such documents to only employees of Complainant and its counsel having responsibility for preparation of Complainant's case in this matter. It further includes returning all such documents to Respondent at the conclusion of this matter.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1983.

Stephen Davis  
Hearing Officer

STATE OF ILLINOIS    )  
                              )  
COUNTY OF DOUGLAS    )

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

|  |   |           |
|--|---|-----------|
| ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,  | ) |           |
|  | ) |           |
| Complainant,                               | ) |           |
|  | ) |           |
| -vs-                                       | ) | PCB 81-27 |
|  | ) |           |
| CABOT CORPORATION, a Delaware corporation, | ) |           |
|  | ) |           |
| Respondent.                                | ) |           |

MOTION FOR CONTINUANCE

Comes now the Complainant in the above-entitled matter and respectfully requests the Hearing Officer grant its Motion for Continuance. In support thereof, Complainant states as follows:

1. On or about August 25, 1983, the Hearing Officer in the above-entitled matter set an evidentiary hearing for October 14, 1983, and further ordered that all discovery be completed on or before October 1, 1983.
2. Since the entry of that Order, counsel for Complainant and for Respondent have discussed the status of discovery in this matter.
3. It is apparent from those discussions that a substantial amount of additional discovery has yet to be completed. It will be impossible to complete discovery by the October 1 deadline.

4. To be candid, Complainant is responsible for the delay of development of discovery. Certain discovery requests made by Respondent in 1981 were handled by an attorney no longer employed by Complainant who was unable to complete them in an expeditious manner. That attorney has been recently replaced by a second person who has devoted considerable attention to the answering of those interrogatories and the collection of documents requested by Respondent. Complainant's response to Respondent's discovery requests is being made simultaneously with the filing of this Motion.

5. The factual issues in this case are complex and demand close attention. Complainant expects to conduct several depositions in the near future and to prepare additional written discovery requests. Complainant anticipates additional discovery will be conducted by Respondent.

6. While a precise schedule cannot be predicted at this point, Complainant expects completion of discovery within the next four to six months. Complainant will make every effort possible to assure expeditious handling of all future discovery requests from Respondent.

7. This Motion is not made for purposes of delay.

WHEREFORE, Complainant respectfully requests its Motion for Continuance be granted and that hearing in this matter be set for on or after February 1, 1984.

Complainant,

ILLINOIS ENVIRONMENTAL PROTECTION  
AGENCY

BY: Greig R. Siedor  
Greig R. Siedor  
Assistant Attorney General  
Environmental Control Division  
Southern Region

500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031

DATED: September 20, 1983

STATE OF ILLINOIS    )  
                          )   SS  
COUNTY OF SANGAMON )

A F F I D A V I T

I, GREIG R. SIEDOR, having been duly sworn, depose and state that:

1. He is the Assistant Attorney General responsible for preparation and presentation of Complainant's case in the matter of Illinois Environmental Protection Agency -vs- Cabot Corporation, PCB 81-27.

2. He has read the contents of the Complainant's Motion for Continuance. The information contained therein is true to the best of his knowledge and belief.

FURTHER AFFIANT SAYETH NOT.

Greig R. Siedor  
Greig R. Siedor  
Assistant Attorney General

SUBSCRIBED AND SWORN TO BEFORE

me this 20th day of September,

1983.

Robert D. Dandy  
Notary Public

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 20th day of September, 1983, send by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the foregoing instruments entitled NOTICE OF FILING, COMPLAINANT'S RESPONSE TO RESPONDENT'S INTERROGATORIES AND DOCUMENT REQUEST, MOTION FOR PROTECTIVE ORDER, PROTECTIVE ORDER, MOTION FOR CONTINUANCE, and AFFIDAVIT

TO: Keith Casteel  
Nicholas J. Neiers  
Samuels, Miller, Schroeder,  
Jackson & Sly  
406 Citizens Building  
P.O. Box 1359  
Decatur, IL 62525

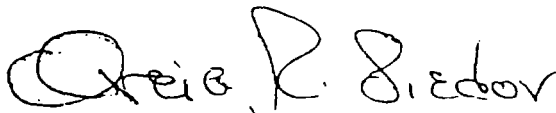
Stephen Davis  
Hearing Officer  
406 Jackson St.  
Charleston, IL 61920

Bruce Carlson  
Technical Advisor  
Illinois Environmental Protection  
Agency  
2200 Churchill Road  
Springfield, IL 62706

Bobella Glatz  
Technical Advisor  
Illinois Environmental Protection  
Agency  
2200 Churchill Road  
Springfield, IL 62706

and the original and two true and correct copies of the same foregoing instruments

TO: Pollution Control Board  
309 W. Washington  
Chicago, IL 60606.

  
\_\_\_\_\_  
Greig R. Siedor  
Assistant Attorney General